

**SUMMARY SHEET – RIGHTS OF WAY APPLICATIONS**

**1208-10A**

HISTORIC COUNTY ROAD - *Valley County* (Pages 4-5)

PRIVATE ACCESS ROAD – *Gerald Fisher* (Page 6)  
- *North Portal Road Users Association* (Page 7)

NEW ELECTRIC UTILITY – *Fergus Electric Cooperative* (Page 3)

NEW TELEPHONE UTILITY – *Southern Montana Telephone Corp.* (Pages 1-2)

PUBLIC RECREATION – *City of Whitefish* (Page 9)

**AFFECTED GRANTS AND PROPOSED INCOME:**

Common Schools:	\$12,090.00
Public Buildings:	\$ 34,214.00

**AFFECTED COUNTIES:** Custer, Deer Lodge, Flathead, Golden Valley, Lincoln, Valley

# **Rights of Way Applications**

## **December 15, 2008**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Southern Montana Telephone Company  
P O Box 205  
Wisdom MT 59761

Application No.: 14687  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 2.514  
Compensation: \$7,543.00  
Legal Description: 20-foot strip through S2NW4, NE4SW4, N2SE4, Sec. 24,  
Twp. 1N, Rge. 14W, Deer Lodge County  
Trust Beneficiary: Common Schools  
Classification: III



Applicant is upgrading their facilities north of Wisdom in the Squaw Creek area. Installation of the proposed line will cause minimal impacts to trust land. The Department recommends approval.

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# **Rights of Way Applications**

## **December 15, 2008**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Southern Montana Telephone Company  
P O Box 205  
Wisdom MT 59761

Application No.: 14688  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 0.815  
Compensation: \$2,445.00  
Legal Description: 20-foot strip through Gov. Lots 7 & 8, Sec. 36, Twp. 2N,  
Rge. 14W, Deer Lodge County  
Trust Beneficiary: Common Schools  
Classification: III



This application is in association with the previously described request. The Department recommends approval.

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## **Rights of Way Applications**

### **December 15, 2008**

#### **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant: Fergus Electric Cooperative, Inc.  
84423 US Highway 87 East  
Lewistown MT 59457

Application No.:  
R/W Purpose: an overhead electric distribution line  
Lessee Agreement: ok  
Acreage: 0.012  
Compensation: \$100.00  
Legal Description: 10-foot strip through NE4NE4, Sec. 36, Twp. 5N, Rge. 19E,  
Golden Valley County  
Trust Beneficiary: Common Schools  
Classification: III



Application is made to provide electrical service to a rural customer. The proposed segment of electric line will be connected to an existing line and run approximately 50 feet to the adjoining private land. The route chosen is the most practical and cause the least amount of disturbance. The Department recommends approval.

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# **Rights of Way Applications**

## **December 15, 2008**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Valley County  
501 Square #1  
Glasgow MT 59230

Application No.: 14689  
R/W Purpose: a public county road  
Lessee Agreement: N/A (Historic)  
Acreage: 7.27  
Compensation: \$727.00  
Legal Description: 60-foot strip through S2S2, Sec. 16, Twp. 28N, Rge. 37E,  
Valley County  
Trust Beneficiary: Common Schools  
Classification: III



Application is made pursuant to §77-1-130, Historic Rights of Way.

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# **Rights of Way Applications**

## **December 15, 2008**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Valley County 501 Square #1 Glasgow MT 59230
Application No.:	14690
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	8.67
Compensation:	\$867.00
Legal Description:	60-foot strip through S2SW4, NE4SW4, N2SE4, SE4NE4, Sec. 16, Twp. 28N, Rge. 38E, Valley County
Trust Beneficiary:	Common Schools
Classification:	III



Application is made pursuant to §77-1-130, Historic Rights of Way.

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## **Rights of Way Applications**

### **December 15, 2008**

#### **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Gerald Fisher 715 Belmont Ave Miles City MT 59301
Application No.:	14691
R/W Purpose:	a private access road to one single-family residence and associated outbuildings and for conducting normal farming and ranching activities
Lessee Agreement:	ok
Acreage:	1.36
Compensation:	\$408.00
Legal Description:	30-foot strip through NW4, Sec. 16, Twp. 3N, Rge. 45E, Custer County
Trust Beneficiary:	Common Schools
Classification:	III



Access to applicant's property is through an existing road which would qualify for the Historic Right of Way program. However, the historic uses of the property are limited to farming and ranching and applicant desires to construct a residence. Therefore, this application is evaluated under the Access Road Policy. Applicant's property consists of a 20-acre parcel. If future subdivision occurs, applicant will be required to create a Road User's Association and pay a 1% conveyance fee for such additional parcels created. The Department recommends approval.

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## **Rights of Way Applications**

### **December 15, 2008**

#### **APPLICANTS AND RIGHTS OF WAY INFORMATION**


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Applicant: North Portal Road Users Association  
%Tim Rooney  
809 Mineral Avenue  
Libby MT 59923

Application No.: 11516 (Amended)  
R/W Purpose: a private access road, including buried utilities, to six (6) parcels of land with one single-family residence and associated outbuildings to occupy each parcel as it currently exists of record

Lessee Agreement: N/A (Unleased)  
Acreage: 2.014  
Compensation: \$5,236.00  
Legal Description: 60-foot strip through NW4SW4, Sec. 34, Twp. 33N, Rge. 26W, Lincoln County

Trust Beneficiary: Public Buildings  
Classification: III

 In 2002 the Land Board granted Tungsten Holdings a 30-foot easement to access six parcels of land for timber management purposes. Located south of Trego, the access road traverses state and federal ownership in Section 34. Tungsten's ownership consists of three 20-acre parcels; two 40-acre parcels and one 161-acre parcel. The State's ownership in Section 34 is comprised of only 80 acres, with the remaining acreage owned by the Forest Service, Tungsten and various other private landowners. The Forest Service holds an easement from the State for Fortine Creek Road, which runs North-South through state ownership in Sections 33 and 34. A spur road intersects Fortine Creek Road and traverses East-West across portions of Section 34 owned by the state and Forest Service and traversing Tungsten's ownership. Tungsten acquired easements from both the State and the Forest Service for the segment of road that passes through the respective ownerships in Section 34. Tungsten has requested that the existing easement from the state be amended to a 60-foot width and for access for residential use. Because this request is for residential use, the application was reviewed per the Access Road Policy. Due to the fact that residential use to six parcels is a factor, the Department required Tungsten to create a Road User's Association per the policy. Future subdivision of the existing parcels which result in more than six legally identified parcels being created will require payment of a 1% conveyance fee at the time of such subdivision. Additionally, Tungsten will re-construct and relocate portions of this road so that the entirety of the road will be across state ownership. All areas abandoned and reconstructed will be re-contoured and reseeded, including that portion of road on Forest Service land. This proposed action will provide the state with several benefits, including a higher standard of road with improved grade and slopes at no cost to the state and will also give total control of the road to the state. Currently, the Forest Service controls use associated with the



## **Rights of Way Applications**

### **December 15, 2008**

segment of road on their ownership, which limits the ability of the state to effectively manage the road system. Public scoping was initiated with three comments being received in favor of the proposed road relocation. The Department recommends approval.

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## **Rights of Way Applications**

### **December 15, 2008**

#### **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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<b>Applicant:</b>	City of Whitefish 402 East 2 <sup>nd</sup> Street Whitefish MT 59937
<b>Application No.:</b>	14692
<b>R/W Purpose:</b>	a public recreational trail system
<b>Lessee Agreement:</b>	N/A (Unleased)
<b>Acreage:</b>	2.27
<b>Compensation:</b>	\$28,978.00
<b>Legal Description:</b>	Portions of Secs. 28 & 29, Twp. 31N, Rge. 22W, Flathead County
<b>Trust Beneficiary:</b>	Public Buildings
<b>Classification:</b>	I



This application for a trail easement to the City of Whitefish is associated with the Goguen Land Exchange. Per the exchange proposal and pending final approval by the Land Board, Mr. Goguen will purchase a trail easement across the above-referenced state sections prior to closing. This easement was scoped during the public process for the land exchange and received favorable comments. The Department recommends approval.

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